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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)
)
The Development of Operational)
Technical, and Spectrum)
Requirements for Meeting)
Federal, State and Local Public)
Safety Agency Communication)
Requirements Through the)
Year 2010)

WT Docket No. 96-86

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

To: The Commission

Reply Comments of AirTouch Paging

AirTouch Paging ("AirTouch"), by its attorneys and pursuant to Section 1.415 of the Commission's Rules^{1/}, respectfully submits this reply to the comments filed in response to the Commission's Notice of Proposed Rulemaking in the captioned proceeding.^{2/} The following is respectfully shown:

I. Preliminary Statement

1. AirTouch provides paging and messaging services in 179 markets in 34 states, with over 2.7 million pagers in service. AirTouch's operations include local, regional, and nationwide services offered on a broad cross-section of channels in the VHF, UHF and 900 MHz bands. Of particular importance to this proceeding, AirTouch has extensive paging

^{1/} 47 C.F.R. § 1.415.

^{2/} WT Docket No. 96-86 released April 10, 1996 (the "Public Safety NPRM").

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operations on the 152 MHz channels allocated in the Public Mobile Service for one-way or two way operations.^{3/}

2. AirTouch supports the Commission's efforts to anticipate and satisfy the spectrum requirements for public safety communications. Public safety entities have ongoing communications service needs, and their assessments of present and future needs should be given attention by the Commission as it allocates the reassigned Government spectrum. However, reallocation of the VHF frequencies assigned under Part 22 would not serve the public interest.

II. Reply Comments

3. Airtouch supports the Comments filed in this proceeding by Ameritech Mobile Services Inc. ("Ameritech") opposing the reallocation to Public Safety use of VHF channels which are now available to provide paging service.^{4/} As Ameritech properly points out, the VHF two-way channels originally allocated for the provision of improved mobile phone service (IMTS) have become a mainstay of the paging industry. At the outset, the Commission's rules required that paging uses of two-way channels be "secondary" in nature. However, as the nature of the market

^{3/} See 47 C.F.R. §22.561. These channels are listed at note 42 of the Public Safety NPRM as being among those being considered as suitable for public safety use. Public Safety NPRM, supra ¶ 75 at n.42.

^{4/} See Comments of Ameritech Mobile Services, Inc. p. 3-4.

changed, the Commission dropped the secondary designation.^{5/}

Ever since, the VHF mobile channels have enjoyed heavy use in a variety of markets as paging services use of these channels has increased and expanded geographically, and in terms of market penetration. This progression is the precise result the Commission hoped for when it expanded the scope of permissible primary uses of these channels.

AirTouch, along with other members of the paging industry, has invested substantial resources in the licensing and construction of facilities on these channels. The Commission's premise that these channels are lightly used, and therefore available for reallocation, is inaccurate.^{6/}

4. These paging stations already provide a valuable communications link for the public safety service community. Doctors, nurses, emergency medical technicians and others who are engaged in the protection of life and property avail themselves regularly of the paging services provided on these channels. A reallocation of frequencies would put this vital communication service to the public

^{5/} This is consistent with the Commission's efforts to expand permissible uses. See In the Matter of Flexible Allocation of Frequencies in the Domestic Public Land Mobile Service for Paging and Other Services, First Report and Order 4 FCC Rcd 1576 (1989)

^{6/} Indeed, there are tens of thousands of paging units in service on these channels in most metropolitan markets.

safety community at risk. This is neither equitable nor in the public interest.^{2/}

5. Even if there are areas where the VHF mobile channels are in transition and not fully utilized,^{8/} this is a particularly inopportune time to reallocate the spectrum. The Commission is proposing to radically alter the manner in which paging services will be licensed by substituting a geographic area auction scheme for the site-by-site licensing that now takes place. This new licensing scheme will facilitate the creation of wide-area services. It would be a mistake for the Commission to disrupt this paging licensing evolution by reallocating VHF channels, either on a primary or a shared basis, to the Public Safety Services before the market-based auctions are allowed to operate to rationalize the market.

6. In sum, a cohesive, well thought out plan for communication services and spectrum usage which would enhance the public safety would not be served by a piecemeal strategy of VHF channel reallocation. These channels are

^{2/} In many instances, these services are also being provided at substantially lower costs than such users could receive from their own system or on other paging channels.

^{8/} As cellular and PCS services grow, the use of VHF mobile channels for traditional two-way uses can decline. Many carriers have opted, however, to transition this spectrum to new uses, such as paging, slowly to avoid disrupting existing customers who own their equipment and would be disadvantaged by a discontinuance of the mobile service offering.

heavily licensed by paging services, a technology already relied upon by public safety professionals. This current spectrum allocation is in the public's interest.

Reallocation would be disruptive and yield little increased benefit, therefore it would not serve the public interest.

III. Conclusion

For the foregoing reasons, AirTouch respectfully submits that the Commission should not disturb its present allocation of the VHF frequencies under Part 22.

Respectfully submitted,

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I, Terry Smith, a secretary with the law firm of Paul, Hastings, Janofsky & Walker LLP, hereby certify that I have on this 19th day of December, 1996 caused a true and correct copy of the foregoing **Reply Comments of AirTouch Paging** to be delivered via first class mail, U.S. postage prepaid, to the following:

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